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9 Attorneys for United States of America

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION

13 UNITED STATES OF AMERICA,

14 Plaintiff,

15 v.

16 EDVIN OVASAPYAN and
HAKOB KOJOYAN,

17
18 Defendants.

CASE NO. CR 18-0533 RS

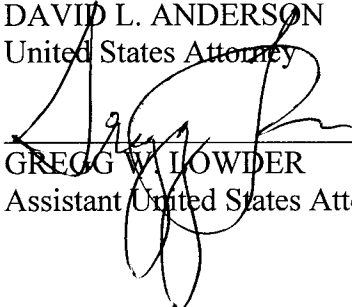
**RECORDED NOTICE OF PENDENCY OF
ACTION (LIS PENDENS) AS TO REAL
PROPERTY AND IMPROVEMENTS
LOCATED AT 4305 GROVES PLACE, SOMIS,
CALIFORNIA 93066 (APN 156-0-180-050)**

19
20 The United States hereby submits the attached Recorded Notice of Pendency of Action (Lis
21 Pends) as to Real Property and Improvements Located at 4305 Groves Place, Somis, California 93066
22 (APN 156-0-180-050).

23 Respectfully submitted,

24 DAVID L. ANDERSON
United States Attorney

25 Dated: 4/10/2019

26 
27 GREGG W. LOWDER
Assistant United States Attorney
28

RECORDED NOTICE OF LIS PENDENS
CR 18-0533 RS

CERTIFICATE OF SERVICE

The undersigned hereby certifies that she is an employee in the Office of the United States Attorney for the Northern District of California and is a person of such age and discretion to be competent to serve papers. The undersigned further certifies that she caused a copy of

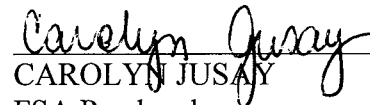
- Recorded Notice of Pendency of Action (Lis Pendens) as to Real Property and Improvements located at 4305 Groves Place, Somis California 93066

to be served this date via United States first class mail delivery upon the person(s) below at the place(s) and address(es) which is the last known address(es):

JPO22, LLC 4305 Groves Place Somis, CA 93066	JPO22, LLC 10380 Wilshire Blvd., #302 Los Angeles, CA 90040
--	---

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge.

Executed this 16th day of April, 2019 at San Francisco, California


CAROLYN JUSAY
FSA Paralegal
Asset Forfeiture Unit

RECORDING REQUESTED BY:

SIMPLIFILE

WHEN RECORDED PLEASE MAIL TO:
AUSA GREGG W. LOWDER
UNITED STATES ATTORNEYS OFFICE
450 GOLDEN GATE AVENUE, BOX 36055
SAN FRANCISCO, CA 94102
ATTN: ASSET FORFEITURE UNIT

(DOCUMENT WILL ONLY BE RETURNED TO NAME & ADDRESS ABOVE)

20190402-00035179-0 1/23
Ventura County Clerk and Recorder
MARK A. LUNN
04/02/2019 11:07:57 AM
1448872 \$80.00 RE

Electronically Recorded in Official Records,
County of Ventura

(SPACE ABOVE FOR RECORDER'S USE)

NOTICE OF LIS PENDENS AS TO REAL PROPERTY AND IMPROVEMENTS LOCATED AT
4305 GROVES PLACE, SOMIS, CALIFORNIA 93066

(DOCUMENT TITLE)

SEPARATE PAGE, PURSUANT TO CA. GOV'T. CODE 27361.6

DAVID L. ANDERSON (CABN 149604)
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Attorneys for United States of America

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

EDVIN OVASAPYAN and
HAKOB KOJOYAN,

Defendants.

No. CR 18-0533 RS

**NOTICE OF PENDENCY OF ACTION (LIS
PENDENS) AS TO REAL PROPERTY AND
IMPROVEMENTS LOCATED AT 4305
GROVES PLACE, SOMIS, CALIFORNIA 93066
(APN 156-0-180-050)**

NOTICE IS HEREBY GIVEN that a criminal action has been commenced in the above-entitled Court pursuant to an Indictment filed under the above case number (attached hereto as Exhibit A) and a Third Bill of Particulars for Forfeiture of Property has been filed by the United States of America on April 1, 2019 (attached hereto as Exhibit B) has been filed in the above case to secure the judicial forfeiture to the United States of the real property and improvements located at 4305 Groves Place, Somis, California 93066 (Assessors Parcel Number 156-0-180-050), which is further described in Exhibit C (also attached hereto).

NOTICE OF LIS PENDENS – 4305 GROVES PLACE, SOMIS CA
CR 18-0533 RS

1 The United States alleges that the said real property is subject to forfeiture pursuant to 18 U.S.C.
2 § 981, 18 U.S.C. § 982 and 28 U.S.C. § 2461(c).

3 The owner of record to the said real property is JPO22, LLC.

4 DATED:

4/2/2019

Respectfully submitted,

DAVID L. ANDERSON
United States Attorney

GREGG W. LOWDER
Assistant United States Attorney

CERTIFICATE OF SERVICE

The undersigned hereby certifies that she is an employee in the Office of the United States Attorney for the Northern District of California and is a person of such age and discretion to be competent to serve papers. The undersigned further certifies that she caused a copy of

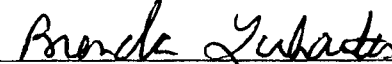
- Notice of Pendency of Action (Lis Pendens) as to Real Property and Improvements located at 4305 Groves Place, Somis, California 93066

to be served this date via United States certified mail delivery and first class mail delivery upon the person(s) below at the place(s) and address(es) which is the last known address(es):

JPO22, LLC 4305 Groves Place Somis, CA 93066	JPO22, LLC 10380 Wilshire Blvd., #302 Los Angeles, CA 90040
--	---

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge.

Executed this 2nd day of April, 2019, at San Francisco, California


BRENDA LUKAITIS
FSA Paralegal
Asset Forfeiture Unit

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**CIVIL CODE § 1189**

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)

County of San Francisco)On April 2, 2019 before me, Tyle L. Doerr, Notary Public,

Date

Here Insert Name and Title of the Officer

personally appeared Gregg W. Lowder

Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person~~(s)~~ whose name~~(s)~~ is/~~are~~ subscribed to the within instrument and acknowledged to me that he/~~she/they~~ executed the same in his/~~her/their~~ authorized capacity~~(ies)~~, and that by his/~~her/their~~ signature~~(s)~~ on the instrument the person~~(s)~~, or the entity upon behalf of which the person~~(s)~~ acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature

Tyle L. Doerr
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Notice of Pendency of Action (Lis Pendens) as to Real Property and Improvements Located at 4305 Groves Place, Somis,

Title or Type of Document: CA 93066 (APN 156-0-180-050) Document Date: 04/2/19Number of Pages: 21 Signer(s) Other Than Named Above: _____**Capacity(ies) Claimed by Signer(s)**Signer's Name: Gregg W. Lowder☐ Corporate Officer — Title(s): _____☐ Partner — ☐ Limited ☐ General☒ Individual ☐ Attorney in Fact☐ Trustee ☐ Guardian or Conservator☒ Other: Assistant United States AttorneySigner Is Representing: United States AttorneysOffice - DOJ

Signer's Name: _____

☐ Corporate Officer — Title(s): _____☐ Partner — ☐ Limited ☐ General☐ Individual ☐ Attorney in Fact☐ Trustee ☐ Guardian or Conservator☐ Other: _____

Signer Is Representing: _____

Exhibit A

ALEX G. TSE (CABN 152348)
United States Attorney

FILED

NOV - 1 2018

SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

EDVIN OVASAPYAN and
HAKOB KOJOYAN,

Defendants.

CASE NO. **CR 18 533 RS**

VIOLATIONS: 18 U.S.C. § 1343 – Wire Fraud; 18 U.S.C. § 1349 – Conspiracy to Commit Wire Fraud; 18 U.S.C. § 1956(h) – Conspiracy to Commit Laundering of Monetary Instruments; 18 U.S.C. § 371 – Conspiracy to Engage in the Unlawful Wholesale Distribution of Drugs; 18 U.S.C. § 2 – Aiding and Abetting; 18 U.S.C. §§ 981, 982 & 28 U.S.C. § 2461(c) – Criminal Forfeiture

SAN FRANCISCO VENUE

INDICTMENT

The Grand Jury charges:

Introductory Allegations

At all times relevant to this Indictment:

Overview of the Regulation of the Distribution of Prescription Drugs

1. The Food and Drug Administration (“FDA”) is the federal agency of the United States responsible for administering federal statutes and regulations aimed at protecting the health and safety of United States citizens and residents by ensuring that, among other things, drugs are safe and effective for their intended uses and that the labeling of such drugs bears true, complete, and accurate

1 information before they may be offered and sold in the United States.

2 2. One of the statutes that the FDA enforces is the Federal Food, Drug and Cosmetic Act
3 (FDCA) as amended by the Drug Supply Chain and Security Act (DSCSA), which is designed to,
4 among other things, ensure that drugs sold for human use are safe and effective for their intended uses.

5 3. The FDCA defines a “drug” as: (A) articles recognized in the official United States
6 Pharmacopoeia, official Homeopathic Pharmacopoeia of the United States, or official National
7 Formulary, or any supplement to any of them; and (B) articles intended for use in the diagnosis, cure,
8 mitigation, treatment, or prevention of disease in man or other animals; and (C) articles (other than food)
9 intended to affect the structure or any function of the body of man or other animals; and (D) articles
10 intended for use as a component of any articles specified in clause (A), (B), or (C).

11 4. A “prescription drug” is any drug which, because of its toxicity and other potential for
12 harmful effects, or the method of its use, or the collateral measures necessary to its use, is not considered
13 safe for use except under the supervision of a practitioner licensed by State law to administer such drugs,
14 or any drug which is limited by an approved new drug application to use under the professional
15 supervision of a practitioner licensed by law to administer such drug. 21 U.S.C. §353(b)(1).

16 5. On November 27, 2013, the DSCSA was enacted to better protect the integrity of the
17 nation’s drug distribution system. One of the intended results of the DSCSA is to prevent the practice
18 known as prescription drug diversion. Under the DSCSA:

19 a) “Wholesale Distribution” means distribution of a prescription drug to or receipt of
20 a prescription drug by a person other than a consumer or patient, but does not include
21 the lawful dispensing of a prescription drug pursuant to a prescription according to 21
22 U.S.C. §353(b)(1).

23 b) A “wholesale distributor” of prescription drugs means a person (other than the
24 manufacturer, a manufacturer’s co-licensed partner, a third party logistics provider, or
25 repackager) engaged in wholesale distribution.

26 c) “Authorized” in the case of a wholesale distributor means having a valid license
27 under State law or 21 U.S.C. § 360eee-2, in accordance with 21 U.S.C. §360eee-1(a)(6).

28 d) “Licensed,” in the case of a wholesale distributor, means having a valid license in

accordance under 21 U.S.C. §353(e) or State law.

e) “Transaction history” means a statement in paper or electronic form that includes the transaction information for each prior transaction going back to the manufacturer of the drug product.

f) “Transaction information” includes, among other things, the strength and dosage form of the drug product, the number of containers, the lot number of the drug product, and the business name and address of the persons from whom and to whom ownership is being transferred.

g) “Transaction statement” means a statement in paper or electronic form that the entity transferring ownership of a drug product is in compliance with certain provisions of the DSCSA.

6. Effective January 1, 2015, the FDCA, as amended by the DSCSA, imposes requirements on wholesale distributors of most prescription drugs, including certain product tracing requirements. Specifically:

a) A wholesale distributor shall not accept ownership of a product unless the previous owner prior to, or at the time of, the transaction provides the transaction history, transaction information, and a transaction statement for the product.

b) The trading partners of a wholesale distributor may only be authorized trading partners.

7. If a wholesale distributor purchased a product directly from the manufacturer, the exclusive distributor of the manufacturer, or a repackager that purchased directly from the manufacturer, then prior to, or at the time of, each transaction in which the wholesale distributor transfers ownership of a product, the wholesale distributor shall provide to the subsequent purchaser—

a) a transaction statement, which shall state that such wholesale distributor, or a member of the affiliate of such wholesale distributor, purchased the product directly from the manufacturer, exclusive distributor of the manufacturer, or repackager that purchased the product directly from the manufacturer; and

b) the transaction history and transaction information.

1 8. Wholesale distributors of prescription drugs who did not purchase a prescription drug
2 directly from the manufacturer, the exclusive distributor of the manufacturer, or a repackager directly
3 from the manufacturer must, prior to or at the time of each transaction, provide to the subsequent
4 purchaser a transaction history, transaction information, and transaction statement. Wholesale
5 distributors must capture the transaction information (including lot level information), transaction
6 history, and transaction statements for each transaction described above, and maintain that information,
7 history and statement for not less than six years after the date of the transaction.

8 The Defendants and Related Entities

9 9. Defendant Edwin OVASAPYAN is the owner and operator of Mainspring Distribution, a
10 Pennsylvania limited liability company. OVASAPYAN resides in the State of California.

11 10. Mainspring Distribution ("Mainspring") is a Pennsylvania corporate entity that has been
12 licensed by the Commonwealth of Pennsylvania as a wholesale pharmaceutical distributor.

13 11. Defendant Hakob KOJOYAN resides in the State of California.

14 The Conspiracy and Scheme to Defraud

15 12. Beginning at a date unknown to the grand jury, but no later than on or about February 9,
16 2017, and continuing through a date unknown to the grand jury, but to at least on or about April 5, 2018,
17 OVASAPYAN and KOJOYAN knowingly devised, intended to devise, and carried out a conspiracy and
18 scheme and artifice to defraud as to a material matter, and to obtain money and property by means of
19 materially false and fraudulent pretenses, representations, and promises, and by omissions and
20 concealment of material facts with a duty to disclose.

21 As part of the conspiracy and scheme to defraud:

22 13. OVASAPYAN, through his control of Mainspring, sold or arranged to be sold large
23 quantities of prescription pharmaceuticals to retail pharmacies and wholesalers across the United States.
24 OVASAPYAN, KOJOYAN, and others known and unknown to the Grand Jury generated false and
25 misleading documentation claiming that the drugs sold by Mainspring had been acquired in compliance
26 with federal law from authorized trading partners who were licensed, legitimate suppliers. In sum,
27 OVASAPYAN, KOJOYAN, and their coconspirators identified a licensed wholesaler in California
28 (hereinafter, the LICENSED SUPPLIER) and then created paperwork falsely representing that

1 Mainspring's supply of prescription drugs had been acquired from the LICENSED SUPPLIER. In
2 reality, Mainspring had never acquired any prescription drugs from the LICENSED SUPPLIER, and the
3 drugs sold under that name had in fact been acquired from illicit, unlicensed sources.

4 14. In particular, when Mainspring sold prescription drugs to its customers, it provided those
5 customers with documentation purporting to be the required transaction information, transaction
6 statements, and transaction histories (collectively, "Transaction Documentation"). Provision of such
7 documentation is required by the DSCSA. Since on or about February 2017, Transaction
8 Documentation for Mainspring's sales, prepared in connection with certain transactions, represented that
9 a particular supplier (hereinafter, "SUPPLIER ONE"), was the source from which Mainspring had
10 acquired the drug. That Transaction Documentation was false and misleading.

11 15. The listed name for SUPPLIER ONE on the Transaction Documentation prepared in
12 connection with certain transactions was misleadingly similar to the name of the LICENSED
13 SUPPLIER, and it created the false impression that the prescription drugs in question had, in fact, been
14 supplied by the LICENSED SUPPLIER. The Transaction Documentation buttressed this false
15 impression by also listing the LICENSED SUPPLIER's business address in the state of California.
16 Customers reviewing the Transaction Documentation purporting to identify the source of the
17 prescription drugs would therefore see a name confusingly similar to the LICENSED SUPPLIER, in
18 addition to the business address for the LICENSED SUPPLIER. In reality, the prescription drugs sold
19 by Mainspring were acquired from other sources that were never disclosed to customers or reflected in
20 the Transaction Documentation. In some instances, these prescription drugs were unlawfully acquired
21 from unlicensed individuals operating in the State of California.

22 16. KOJOYAN and OVASAPYAN communicated frequently during the course of the
23 conspiracy, and KOJOYAN knowingly participated in the scheme to mislead customers into believing
24 that Mainspring's supply of prescription drugs was legitimate. KOJOYAN and OVASAPYAN
25 monitored the licensure status for the LICENSED SUPPLIER, and in the event the license for the
26 LICENSED SUPPLIER became inactive, OVASAPYAN and KOJOYAN would cease sales activity
27 until the license was reactivated.

28 17. As a further part of the conspiracy and the scheme to defraud, OVASAPYAN,

KOJOYAN, and others established and caused to be established shell companies with names deceptively similar to the LICENSED SUPPLIER. OVASAPYAN and KOJOYAN then established and caused to be established bank accounts held in those deceptively similar corporate names. In order to conceal the fraud, OVASAPYAN and KOJOYAN arranged for Mainspring to transfer funds to these deceptively named accounts in order to create banking records superficially consistent with financial transfers to a legitimate, LICENSED SUPPLIER. However, Mainspring never transferred any funds to any bank account controlled by the LICENSED SUPPLIER, and it otherwise never did any business with the LICENSED SUPPLIER. In reality, the funds transferred from Mainspring to the accounts established by KOJOYAN and others were often liquidated and returned as proceeds to the co-conspirators, or else transferred to other bank accounts. Only a very small portion of the funds acquired by Mainspring from its customers was ever sent to a licensed prescription drug wholesaler.

COUNT ONE: (18 U.S.C. § 1349 – Conspiracy to Commit Wire Fraud)

18. Paragraphs 1 through 17 of this Indictment are re-alleged and incorporated as if fully set forth here.

19. Beginning no later than on or about February 9, 2017, and continuing through at least on or about April 5, 2018, in the Northern District of California and elsewhere, the defendants,

EDVIN OVASAPYAN and
HAKOB KOJOYAN,

did knowingly conspire to devise and intend to devise a scheme and artifice to defraud as to a material matter, and to obtain money and property by means of materially false and fraudulent pretenses, representations, and promises, and by omissions and concealment of material facts with a duty to disclose, and, for the purpose of executing such scheme and artifice to defraud, to transmit and cause the transmission of wire communications in interstate commerce, in violation of Title 18, United States Code, Section 1343.

All in violation of Title 18, United States Code, Section 1349.

COUNTS TWO AND THREE: (18 U.S.C. § 1343 and 2 – Wire Fraud and Aiding and Abetting)

20. Paragraphs 1 through 19 of this Indictment are re-alleged and incorporated as if fully set forth here.

INDICTMENT

21. Beginning at a date unknown to the grand jury, but no later than on or about February 9, 2017, and continuing as to all defendants to a date unknown to the grand jury, but to at least on or about April 5, 2018, in the Northern District of California and elsewhere, the defendants,

EDVIN OVASAPYAN, and
HAKOB KOJOYAN

did knowingly and with the intent to defraud device and execute, and attempt to execute, a material scheme and artifice to defraud and to obtain money and property by means of materially false and fraudulent pretenses, representations, and promises, and by omissions and concealment of material facts.

22. On or about the dates set forth below, in the Northern District of California and elsewhere, for the purpose of executing the scheme and artifice referred to above, and attempting to do so, the defendants did knowingly transmit and cause to be transmitted writings, signs, signals, pictures, and sounds in interstate commerce by means of wire communications:

COUNT	DATE	ITEM WIRED
2	3/16/2018	Electronic Transfer of \$42,000 from Mainspring to Bank Account Domiciled in San Mateo, California
3	4/5/2018	Electronic Transfer of \$15,000 from Mainspring to a Bank Account Domiciled in San Mateo, California

All in violation of Title 18, United States Code, Sections 1343 and 2.

COUNT FOUR: (18 U.S.C. § 1956(h) – Conspiracy to Commit Laundering of Monetary Instruments)

23. Paragraphs 1 through 22 of this Indictment are re-alleged and incorporated as if fully set forth here.

24. Beginning at a date unknown to the grand jury, but no later than on or about February 9, 2017, and continuing as to all defendants to a date unknown to the grand jury, but to at least on or about April 5, 2018, in the Northern District of California and elsewhere, the defendants,

EDVIN OVASAPYAN, and
HAKOB KOJOYAN

INDICTMENT

1 and others known and unknown, unlawfully and knowingly conspired together and with one another to
2 violate Title 18, United States Code, Section 1956(a)(1).

3 25. It was a part and an object of the conspiracy that the defendants, and others known and
4 unknown to the grand jury, with the intent to promote the carrying on of specified unlawful activity and
5 to conceal and disguise the nature, location, source, ownership, and control of the proceeds of specified
6 unlawful activity, to wit, conspiracy to commit wire fraud and wire fraud, in violation of Title 18,
7 United States Code, Sections 1343 and 1349, unlawfully and knowingly, and knowing that property
8 involved in a financial transaction represents the proceeds of some form of unlawful activity, would and
9 did conduct and attempt to conduct financial transactions which in fact involved the proceeds of
10 specified unlawful activity, in violation of Title 18, United States Code, Section 1956(a)(1).

11 All in violation of Title 18, United States Code, Section 1956(h).

12 COUNT FIVE: (18 U.S.C. § 371 – Conspiracy to Engage in the Unlawful Wholesale
13 Distribution of Drugs)

14 26. Paragraphs 1 through 25 of this Indictment are re-alleged and incorporated as if fully set
15 forth here.

16 27. Beginning at a date unknown to the grand jury, but not later than February 9, 2017, and
17 continuing to a date unknown to the grand jury, but to at least on or about April 5, 2018, in the Northern
18 District of California and elsewhere, the defendants,

19 EDVIN OVASAPYAN, and
20 HAKOB KOJOYAN

21 and others known and unknown, did knowingly and intentionally conspire to:

- 22 a) knowingly engage in the unlicensed wholesale distribution of prescription drugs
23 in interstate commerce, in violation of Title 21, United States Code, Sections 331(t),
24 353(e)(1)(A), 333(b)(1)(D);
25 b) engage in the wholesale distribution of prescription drugs without obtaining and
26 providing truthful and accurate transaction histories, transaction statements, and
27 transaction information, with intent to defraud and mislead, in violation of Title 21,
28 United States Code, Sections 331(t), 360eee-1(c), and 333(a)(2); and

c) defraud the United States and its agencies by impeding, impairing, and defeating the lawful functions of the Food and Drug Administration to protect the health and safety of the public by ensuring that prescription drugs distributed in the United States were safe and effective from the time of manufacturing to the delivery to the entity that sells or dispenses the product to the ultimate consumer or patient.

Manner and Means for Achieving the Objects of the Conspiracy

28. As part of the conspiracy, the coconspirators acquired prescription drugs from unlicensed dealers in the State of California and shipped them to a facility in the Commonwealth of Pennsylvania that was associated with Mainspring Distribution.

29. The coconspirators then generated or caused to be generated Transaction Documentation falsely claiming that the prescription drugs had been acquired from the LICENSED SUPPLIER. This Transaction Documentation was distributed to Mainspring's customers, which included retail pharmacies in addition to other wholesale distributors.

30. As part of the conspiracy, and in order to buttress the coconspirators' false claims as to the source of their prescription drugs, the coconspirators opened and caused to be opened bank accounts in the names of shell business entities with names deceptively similar to the name of the LICENSED SUPPLIER, which was the supposed source of the majority of Mainspring's pharmaceuticals

Overt Acts

31. In furtherance of the conspiracy, and to effect the illegal objects thereof, the following overt acts, among others, were committed in the Northern District of California and elsewhere:

- a) On or about March 16, 2018, the defendants transferred and caused to be transferred \$42,000 from an account held in the name of Mainspring Distribution to an account domiciled in San Mateo, California.
- b) On or about April 5, 2018, the defendants transferred and caused to be transferred \$15,000 from an account held in the name of Mainspring Distribution to an account domiciled in San Mateo, California
- c) On or about April 14, 2017, the defendants caused Transaction Documentation to be generated for a customer that falsely and fraudulently misrepresented the source of a

1 prescription drug products.

2 All in violation of Title 18, United States Code, Section 371.

3 FORFEITURE ALLEGATION: (18 U.S.C. §§ 981, 982, & 28 U.S.C. § 2461(c) – Criminal
4 Forfeiture)

5 32. All of the allegations contained in this Indictment are re-alleged and by this reference
6 fully incorporated herein for the purpose of alleging forfeiture pursuant to the provisions of Title 18,
7 United States Code, Sections 981 and 982, and Title 28, United States Code, Section 2461(c).

8 33. Upon a conviction for any offense alleged in Counts One through Three of this
9 Indictment, the defendants,

EDVIN OVASAPYAN and
HAKOB KOJOYAN,

10 shall forfeit to the United States, pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c), all
11 property, real or personal, constituting or derived from proceeds the defendants obtained directly and
12 indirectly as the result of the violation, including but not limited to a forfeiture money judgment.
13

14 34. Upon a conviction for any offense alleged in Count Four of this Indictment, the
15 defendants,

EDVIN OVASAPYAN and
HAKOB KOJOYAN,

16 shall forfeit to the United States, pursuant to 18 U.S.C. §§ 981(a)(1)(A) and (C), 982(a), and 28 U.S.C.
17 § 2461(c), all property, real or personal, involved in or traceable to the violation, or constituting or
18 derived from proceeds traceable directly and indirectly to a violation, including but not limited to a
19 forfeiture money judgment.
20

21 35. Upon a conviction for any offense alleged in Count Five of this Indictment, the
22 defendants,

EDVIN OVASAPYAN and
HAKOB KOJOYAN,

23 shall forfeit to the United States, pursuant to 18 U.S.C. §§ 981(a)(1)(C), 982(a)(7), and 28 U.S.C. §
24 2461(c), all property, real or personal, that constitutes or is derived, directly or indirectly, from the gross
25 proceeds traceable to the commission of the offense, including but not limited to a money judgment.
26

27 36. If any of the aforementioned property, as a result of any act or omission of the
28

1 defendants --

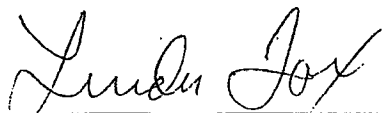
- 2 a. cannot be located upon the exercise of due diligence;
3 b. has been transferred or sold to, or deposited with, a third person;
4 c. has been placed beyond the jurisdiction of the Court;
5 d. has been substantially diminished in value; or
6 e. has been commingled with other property that cannot be divided without
7 difficulty;

8 any and all interest the defendants have in other property shall be vested in the United States and
9 forfeited to the United States pursuant to 21 U.S.C. § 853(p), as incorporated by 18 U.S.C. § 982.

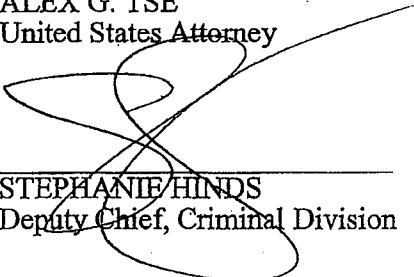
10 All in violation of Title 18, United States Code, Sections 981 and 982; Title 28, United States
11 Code, Section 2461(c); and Rule 32.2 of the Federal Rules of Criminal Procedure.


12
13 DATED: Nov. 1, 2018

A TRUE BILL

14 
15
16 FOREPERSON

17 ALEX G. TSE
18 United States Attorney

19 
20 STEPHANIE HINDS
21 Deputy Chief, Criminal Division

22
23 (Approved as to form: 
24 AUSA DAWSON

25
26
27
28
INDICTMENT

Exhibit B

1 DAVID L. ANDERSON (CABN 149604)
2 United States Attorney

3 HALLIE HOFFMAN (CABN 210020)
4 Chief, Criminal Division

5 ANDREW F. DAWSON (CABN 264421)
6 GREGG W. LOWDER (CABN 107864)
7 Assistant United States Attorneys

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12 Email: Gregg.Lowder@usdoj.gov

13 Attorneys for United States of America

14 UNITED STATES DISTRICT COURT
15 NORTHERN DISTRICT OF CALIFORNIA
16 SAN FRANCISCO DIVISION

17 UNITED STATES OF AMERICA,

18 Plaintiff,

19 v.

20 EDVIN OVASAPYAN and
21 HAKOB KOJOYAN,

22 Defendant.

) CASE NO. CR 18-0533 RS

) **THIRD BILL OF PARTICULARS FOR THE**
) **FORFEITURE OF PROPERTY**

23 The United States of America, by and through David L. Anderson, United States Attorney for the
24 Northern District of California, and Gregg W. Lowder, Assistant United States Attorney, hereby files the
25 following Third Bill of Particulars for notice of forfeiture of property.

26 ///

27 ///

28 ///

Third Bill of Particulars for Forfeiture of Property
CR 18-0533 RS

1 The Indictment in the above-captioned case filed on November 1, 2018, provides notice of and
2 seeks the forfeiture of both real and personal property pursuant to 18 U.S.C. §§ 981 and 982 and 28
3 U.S.C. § 2461(c). The United States hereby gives notice that, in addition to any property already listed
4 in the forfeiture allegation, the Bill of Particulars for forfeiture of property filed on January 10, 2019,
5 and the Second Bill of Particulars for forfeiture property filed on February 14, 2019, the United States is
6 additionally seeking forfeiture of the following property:

- 7 • Real Property and Improvements located at 2481 N. Junipero Avenue, Palm Springs,
8 California 92262;
- 9 • Real Property and Improvements located at 383 Kalaimoku, Ritz Calton Tower 2,
10 Unit 3106, Honolulu, Hawaii 96815, titled in the name of ESJ Group, LLC;
- 11 • Real Property and Improvements located at 8654 Washington Blvd., Culver City,
12 California 90232, titled in the name of JPO22, LLC;
- 13 • Real Property and Improvements located at 4305 Groves Place, Somis, California 93066;
- 14 • Real Property and Improvements located at 4314 Marina City Drive, Apt 416, Marina
15 Del Rey, California 90292;

16 DATED: April 1, 2019

Respectfully submitted,

17
18 DAVID L. ANDERSON
United States Attorney

19
20 GREGG W. LOWDER
Assistant United States Attorney
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Exhibit C

All that certain real property situated in the County of Ventura, State of California, described as follows:

Parcel A:

Parcel 3, in the City of County of Ventura, State of California, as shown on a Parcel Map filed in Book 25, Pages 30 and 31, of Parcel Maps, in the office of the County Recorder of said County.

Except all oil, mineral, gas and other hydrocarbon substances below a depth of five hundred (500) feet under the subject property, without the right of surface entry; provided that this reservation shall run for a period of ten (10) years and so long thereafter, but not to exceed fifty-nine (59) years, as mineral, oil, gas or other hydrocarbon substances, or any of them are produced or mined from the herein described real property in paying or commercial quantities. If at the end of said ten (10) year term, or of thereafter, for any period of twelve (12) consecutive months, oil, gas, minerals or other hydrocarbon substances, or any of them, is not being produced or mined from said land or any portion thereof in paying or commercial quantities, then this reservation and the rights of grantor and its successors or assigns hereunder shall terminate.

Also except all oil, mineral, gas and other hydrocarbon substances below a depth of five hundred (500) feet under the subject property, without the right of surface entry, as reserved by Joseph L. Friedrich, in deed recorded September 21, 1978 as Instrument No. 101036, in Book 5214 Page 257 of Official Records.

Parcel B:

An easement for road and utility purposes over, under, through and across that portion of Strip 1 as said strip is shown on parcel map filed in Book 16, Page 97 of Parcel Maps, the office of the County Recorder, County of Ventura, State of California, lying Easterly of the Westerly terminus of the 21st course of said Strip, except therefrom any portion of said Strip 1 lying within Parcel A above.

Parcel C:

An easement for road and utility purposes over, under, through and across a strip of land, 30 feet in width, lying equally on either side of the following described line:

Those portions of Tract 55, T.R. Bard and that certain parcel marked "Peter Rice", Rancho Las Posas, in the County of Ventura, State of California, according to the map recorded in Book 3 Page 22 of Maps, in the office of the County Recorder of said County, described as a whole as follows:

Beginning at a 1-1/2 inch iron pipe set at the intersection of the West line of the property conveyed to Berylwood Investment Co., as recorded in Book 124, Page 291 of Deeds, in the office of the County Recorder of said County and the Northerly line of Las Posas Road, 60 feet wide, as shown on a map recorded in Book 37, Page 64 of Records of Survey, in the office of the County Recorder of said County; thence Northeasterly along said Northerly line of Los Posas Road, North 74° 25' 21" East 15.04 feet to the true point of beginning; thence;

1st: North 11° 14' 33" West 1267.65 feet; thence,

2nd: North 70° 25' 00" East 101.98 feet; thence,

3rd: North 41° 10' 30" East 56 feet; thence,

4th: North 74° 08' 10" East 216 feet; thence,

5th: North 34° 17' 10" East 745 feet; thence,

6th: North 37° 11' 40" East 513 feet, thence

7th: North 34° 02' 13" East 207 feet; thence

8th: North 61° 22' 20" East 167 feet to the Westerly terminus of the line shown as North 71° 00' 02" East 155 feet along the Northerly line of Parcel 3 as shown on a map filed in Book 16, Page 98 of Parcel Maps.

Parcel D:

An easement for road and utilities over, under, through and across that certain strip of land shown as "Strip 2 proposed 50' maintenance and utilities easement" as said strip is shown on the map of Tract No. 2320 recorded in Book 64, Page 76 of Maps, in the office of the County Recorder of said County, County of Ventura.

Parcel E:

An easement for road and utility purposes over, under, through and across a portion of Parcel 1 as said parcel is shown on a parcel map filed in Book 16, Page 97 of Parcel Maps, in the office of the County Recorder of said County, County of Ventura, State of California, lying 30 feet Northeasterly of the following described line:

Beginning at the Northwesterly corner of said Parcel 1; thence,

1st: South 35° 10' 50" East 550 feet along the Westerly boundary of said Parcel 1 to a terminus.

Parcel F:

An easement for road and utility purposes over, under, through and across the Northeasterly 30 feet of Parcells 1 and 2 of Parcel Map filed in Book 25, Pages 30 and 31 of Parcel Maps, in the office of the County Recorder of said County, County of Ventura, State of California.

Assessor's Parcel Number: 156-0-180-050